IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 74 /2002

PETITIONERS : 1. Shiv Sahai Dewangan, S/o Gangaram, Aged 45 years, R/o Pandaria, District Kawardha.

2. Ram Kumar Pathak, S/o Ghasiram Pathak, Aged 58 years, R/o Pandaria, District Kawardha.

P. R. No. 110/02
Presented by Shri Sanjay K. Dubey
dated 11/1/02

-VERSUS-

RESPONDENTS :

1. State of Chhattisgarh through Secretary, Urban Administration & Development Department, D.K. Bhavan, Raipur.
2. Director, Urban Administration & Development Department, Government of Chhattisgarh, Raipur.
3. Deputy Director, Urban Administration & Development Department, Raipur.
4. Collector, Kawardha.
5. Nagar Panchayat, Pandaria through Chief Municipal Officer.

Received Keshwo Clerk to Bapat Bhagat (Adv) 11.1.02

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.74/2002 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

14.11.2003

Shri Rajeev Shrivastava, Counsel for the petitioners.

Shri Gautam Bhaduri, Dy. Advocate General for the State/respondents No.1 to 4.

Kum. Samata Jain, Adv. appears on behalf of Shri Prafulla Bharat, Adv. for respondent No.5.

Heard.

Learned counsel for the petitioners submits that the petitioners have straightaway filed this petition. He further submits that in this case returns on behalf of respondents have been filed. Shri Shrivastava referred to paragraph 3 of the return filed on behalf of respondent No.5 which reads as under:-

> "3. That the present petition is not tenable as the same is premature. It is submitted no allotment orders have been issued in favour of any persons. It is respectfully submitted that the answering respondent had only selected three persons for allotment and the proposal is sent to the State Govt. for approval and as on the date there is no allotment order hence the present petition is premature and deserves to be dismissed. It is further submitted that the petitioners had not availed the statutory

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आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश ..2..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

remedy of appeal before the council and has directly rushed to this Hon'ble Court on this Court too the present petition is liable to be dismissed. It is further submitted that the petitioner had not arrayed the persons who are selected for allotment as respondents and for non-joinder of necessary parties the petition deserves to be dismissed."

In view of the statement made in the said return, learned counsel for the petitioner wants to withdraw the petition with liberty to make representation to the competent Authority including State Government.

Having heard learned counsel and considering the facts and circumstances of the case and material available on record, the petitioners may make a detailed representation which, after hearing of the parties, shall be considered and decided on its own merits in accordance with law by the competent Authority, as early as possible preferably within 2 months from the date of receipt of representation. A copy of such representation shall also be given to respondent No.5-Nagar Panchayat, Pandaria.

With the aforesaid observation, this petition is disposed of at this stage with liberty avail the remedy

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश ..3..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	under the law. Certified copy as per rules. Sd/- Fakhruddin Judge	

Anjani/-